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Agenda item 66

Elimination of racism, racial discrimination, xenophobia and related intolerance

Report of the Third Committee

Rapporteur: Mrs. Cécile **Mballa Eyenga** (Cameroon)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-first session the item entitled:

> "Elimination of racism, racial discrimination, xenophobia and related intolerance:
>
> "(a) Elimination of racism, racial discrimination, xenophobia and related intolerance;
>
> "(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action"

and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item jointly with item 67, entitled "Right of peoples to self-determination", at its 39th, 40th and 41st meetings, on 1 and 2 November 2016, and considered proposals and took action on the item at its 47th, 50th and 56th meetings, on 10, 17 and 22 November 2016. An account of the Committee's discussion is contained in the relevant summary records.[1]

3. For its consideration of the item, the Committee had before it the following documents:

[1] See A/C.3/71/SR.39, A/C.3/71/SR.40, A/C.3/71/SR.41, A/C.3/71/SR.47, A/C.3/71/SR.50 and A/C.3/71/SR.56.

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Item 66
Elimination of racism, racial discrimination, xenophobia and related intolerance

Letter dated 5 October 2016 from the Permanent Representative of Kyrgyzstan to the United Nations addressed to the Secretary-General (A/C.3/71/3)

Item 66 (a)
Elimination of racism, racial discrimination, xenophobia and related intolerance

Report of the Committee on the Elimination of Racial Discrimination on its eighty-seventh, eighty-eighth and eighty-ninth sessions (A/71/18)

Report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (A/71/327)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/71/325)

Item 66 (b)
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General on the programme of activities for the implementation of the International Decade for People of African Descent (A/71/290)

Report of the Secretary-General on a global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/71/399)

Note by the Secretary-General transmitting the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/71/301)

Note by the Secretary-General transmitting the report of the Working Group of Experts on People of African Descent (A/71/297)

Note by the Secretariat on the latest developments with regard to the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action (A/71/288)

4. At the 39th meeting, on 31 October, the Committee heard an introductory statement by the Assistant Secretary-General for Human Rights, who responded to questions posed and comments made by the representatives of South Africa and Cameroon.

5. At the same meeting, the Committee heard an introductory statement by the Chair of the Working Group of Experts on People of African Descent, who engaged in an interactive dialogue with the representatives of the United States of America, South Africa, the Islamic Republic of Iran, Morocco and Mexico, as well as with the observer of the European Union.

6. Also at the same meeting, the Committee heard an introductory statement by a member of the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, speaking on behalf of the Chair of the Working Group, who engaged in an interactive dialogue with the representatives of the Islamic Republic of Iran, Iraq and Chile, as well as with the observer of the European Union.

7. Also at the 39th meeting, the Committee heard an introductory statement by the Chair of the Committee on the Elimination of Racial Discrimination, who engaged in an interactive dialogue with the representatives of Morocco, Belgium (also on behalf of Slovenia), Mexico, the United Kingdom of Great Britain and Northern Ireland, Denmark, Ireland, Spain, the Russian Federation and China, as well as with the observer of the European Union.

8. At the 40th meeting, on 1 November, the Committee heard an introductory statement by the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who engaged in an interactive dialogue with the representatives of Mexico, South Africa, Indonesia, the United Kingdom of Great Britain and Northern Ireland, Morocco, Switzerland, the Russian Federation and Denmark, as well as with the observer of the European Union.

II. Consideration of proposals

A. Draft resolutions A/C.3/71/L.45 and A/C.3/71/L.45/Rev.1

9. At the 47th meeting, on 10 November, the representative of the Russian Federation, on behalf of Bangladesh, Belarus, Bolivia (Plurinational State of), Burundi, China, Cuba, the Democratic People's Republic of Korea, Eritrea, India, Kazakhstan, Myanmar, Nicaragua, Pakistan, the Russian Federation, the Sudan, the Syrian Arab Republic, Tajikistan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" (A/C.3/71/L.45). Subsequently, Angola, Azerbaijan, Benin, Guinea, Kyrgyzstan, the Lao People's Democratic Republic, Mauritania, Morocco, Namibia, South Africa, Turkmenistan and Uzbekistan joined in sponsoring the draft resolution.

10. At its 50th meeting, on 17 November, the Committee had before it a revised draft resolution (A/C.3/71/L.45/Rev.1) submitted by the sponsors of draft resolution A/C.3/71/L.45. Subsequently, Algeria, Armenia, Brazil, Burkina Faso, the Central African Republic, the Congo, Côte d'Ivoire, Ethiopia, the Gambia, Ghana, Guinea-Bissau, Guyana, Jordan, Mali, the Niger, Nigeria, the Philippines, Rwanda, Serbia, Sierra Leone, South Sudan, Tunisia, Uganda and the United Republic of Tanzania joined in sponsoring the draft resolution.

11. At the same meeting, the representative of the Russian Federation made a statement.

12. Also at its 50th meeting, the Committee adopted the draft resolution by a recorded vote of 131 to 3, with 48 abstentions (see para. 24, draft resolution I). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Palau, Ukraine, United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Turkey, United Kingdom of Great Britain and Northern Ireland.

13. Before the vote, statements were made by the representatives of Belarus (on behalf of the Collective Security Treaty Organization), the Syrian Arab Republic, Ukraine and the United States of America; after the vote, statements were made by the representatives of Slovakia (on behalf of the European Union and the former Yugoslav Republic of Macedonia, Georgia, Montenegro and the Republic of Moldova), Liechtenstein (also on behalf of Canada, Iceland, Norway and Switzerland), Cyprus, Greece, Belarus, Azerbaijan and Armenia.

B. Draft resolution A/C.3/71/L.47

14. At its 56th meeting, on 22 November, the Committee had before it a draft resolution entitled "International Convention on the Elimination of All Forms of Racial Discrimination" (A/C.3/71/L.47), submitted by Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Cyprus, Georgia, Germany, Ireland, Jordan, Lithuania, Luxembourg, Panama, Slovenia, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Albania, Andorra, Argentina, Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), Brazil, Cabo Verde, the Central African Republic, China, Colombia, Costa Rica, Croatia, Czechia, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, the Gambia, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, India, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Madagascar, Malta, Monaco, Mongolia, Montenegro, Morocco, the Netherlands, New Zealand, Nigeria, Norway, Palau, Paraguay, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Senegal, Serbia, Slovakia, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Thailand, Timor-Leste, Tunisia, Turkey, Ukraine, the United Republic of Tanzania, Venezuela (Bolivarian Republic of) and Zambia joined in sponsoring the draft resolution.

15. At the same meeting, the representative of Belgium made a statement and orally revised the draft resolution.

16. Also at the same meeting, the Committee adopted draft resolution A/C.3/71/L.47, as orally revised (see para. 24, draft resolution II).

C. Draft resolutions A/C.3/71/L.48 and A/C.3/71/L.48/Rev.1

17. At the 47th meeting, on 10 November, the representative of Thailand, on behalf of the Group of 77 and China, introduced a draft resolution entitled "A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (A/C.3/71/L.48).

18. At its 56th meeting, on 22 November, the Committee had before it a revised draft resolution (A/C.3/71/L.48/Rev.1) submitted by the sponsors of draft resolution A/C.3/71/L.48. Subsequently, the Russian Federation joined in sponsoring the draft resolution.

19. At the same meeting, the Secretary of the Committee read out a statement of programme budget implications in connection with the draft resolution.

20. Also at the same meeting, the representative of Thailand, on behalf of the Group of 77 and China, made a statement and orally revised operative paragraph 22 of the draft resolution.

21. Also at the 56th meeting, the Committee adopted draft resolution A/C.3/71/L.48/Rev.1, as orally revised, by a recorded vote of 123 to 10, with 44 abstentions (see para. 24, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Czechia, France, Germany, Israel, Marshall Islands, Palau, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Ukraine.

22. Before the vote, statements were made by the representatives of the Syrian Arab Republic, Israel and Slovakia (on behalf of the European Union).

D. Draft decision proposed by the Chair

23. At its 56th meeting, on 22 November, on the proposal of the Chair, the Committee decided to recommend to the General Assembly that it take note of the documents considered in connection with the elimination of racism, racial discrimination, xenophobia and related intolerance (see para. 25).

III. Recommendations of the Third Committee

24. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005[5] and relevant Human Rights Council resolutions, in particular resolutions 7/34 of 28 March 2008,[6] 18/15 of 29 September 2011[7] and 21/33 of 28 September 2012,[8] as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006, 62/142 of 18 December 2007, 63/162 of 18 December 2008, 64/147 of 18 December 2009, 65/199 of 21 December 2010, 66/143 of 19 December 2011, 67/154 of 20 December 2012, 68/150 of 18 December 2013, 69/160 of 18 December 2014 and 70/139 of 17 December 2015 on this issue, and its resolutions 61/149 of 19 December 2006, 62/220 of 22 December 2007, 63/242 of 24 December 2008, 64/148 of 18 December 2009, 65/240 of 24 December 2010, 66/144 of 19 December 2011, 67/155 of 20 December 2012, 68/151 of 18 December 2013 and 69/162 of 18 December 2014, and its resolution 70/140 of 17 December 2015, entitled "A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

Acknowledging other important initiatives of the General Assembly aimed at raising awareness about the suffering of victims of racism, racial discrimination, xenophobia and related intolerance and all forms of discrimination, including in the historical perspective, in particular regarding commemoration of the victims of slavery and the transatlantic slave trade,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 660, No. 9464.

[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[5] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[7] Ibid., *Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and Corr.1), chap. II.

[8] Ibid., *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. II.

Recalling the Charter of the Nuremberg Tribunal and the Judgment of the Tribunal, which recognized as criminal, inter alia, the SS organization and all its integral parts, including the Waffen SS, through its officially accepted members implicated in or with knowledge of the commission of war crimes and crimes against humanity connected with the Second World War, as well as other relevant provisions of the Charter and the Judgment,

Recalling also the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[9] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action, as well as the relevant provisions of the outcome document of the Durban Review Conference of 24 April 2009,[10] in particular paragraphs 11 and 54,

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as racist extremist movements and ideologies,

Deeply concerned by all recent manifestations of violence and terrorism incited by violent nationalism, racism, xenophobia and related intolerance, including during sports events,

Recognizing with deep concern the alarming increase in instances of discrimination, intolerance and extremist violence motivated by anti-Semitism, Islamophobia and Christianophobia and prejudices against persons of other religions and beliefs,

Recalling that the seventy-first session of the General Assembly coincides with the seventieth anniversary of the Judgment of the Nuremberg Tribunal,

Mindful of the horrors of the Second World War, and stressing in this regard that the victory over Nazism in the Second World War contributed to establishing the conditions for the creation of the United Nations, designed to prevent future wars and save succeeding generations from the scourge of war,

1. *Reaffirms* the relevant provisions of the Durban Declaration[9] and of the outcome document of the Durban Review Conference,[10] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Takes note with appreciation* of the report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, prepared in accordance with the request contained in General Assembly resolution 70/139;[11]

3. *Expresses its appreciation* to the United Nations High Commissioner for Human Rights and his Office for their efforts to fight racism, racial discrimination, xenophobia and related intolerance, including the maintenance by the Office of the

[9] See A/CONF.189/12 and Corr.1, chap. I.
[10] See A/CONF.211/8, chap. I.
[11] A/71/325.

United Nations High Commissioner for Human Rights of the database on practical means to combat racism, racial discrimination, xenophobia and related intolerance;

4. *Expresses deep concern* about the glorification, in any form, of the Nazi movement, neo-Nazism and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements;

5. *Calls for* the universal ratification and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[3] and encourages those States parties that have not yet done so to consider making the declaration under its article 14, thus providing the Committee on the Elimination of Racial Discrimination with the competence to receive and consider communications from individuals or groups of individuals within their jurisdiction claiming to be victims of a violation by a State party of any of the rights set forth in the Convention;

6. *Emphasizes once more* the recommendation of the Special Rapporteur that "any commemorative celebration of the Nazi regime, its allies and related organizations, whether official or unofficial, should be prohibited by States",[12] also emphasizes that such manifestations do injustice to the memory of the countless victims of the Second World War and negatively influence children and young people, and stresses in this regard that it is important that States take measures, in accordance with international human rights law, to counteract any celebration of the Nazi SS organization and all its integral parts, including the Waffen SS, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter;

7. *Expresses concern* about recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and in this regard urges States to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;[13]

8. *Notes with concern* the increase in the number of racist incidents worldwide, including the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting, inter alia, persons belonging to national or ethnic, religious and linguistic minorities or on any other grounds, including arson attacks on houses and vandalization of schools and places of worship;

9. *Reaffirms* that such acts may be qualified as falling within the scope of the Convention, that they may not be justified when they fall outside the scope of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of expression and that they may fall within the scope of article 20 of the

[12] Ibid., para. 68.

[13] United Nations, *Treaty Series*, vol. 1125, No. 17512.

International Covenant on Civil and Political Rights[2] and may be subject to certain restrictions, as set out in articles 19, 21 and 22 of the Covenant;

10. *Encourages* States to take concrete measures, including legislative and educational ones, in order to prevent the denial of the crimes against humanity and war crimes committed during the Second World War;

11. *Condemns without reservation* any denial of or attempt to deny the Holocaust, as well as any manifestation of religious intolerance, incitement, harassment or violence against persons or communities on the basis of ethnic origin or religious belief;

12. *Welcomes* the call of the Special Rapporteur for the active preservation of those Holocaust sites that served as Nazi death camps, concentration and forced labour camps and prisons, as well as his encouragement of States to take measures, including legislative, law enforcement and educational measures, to put an end to all forms of Holocaust denial;[14]

13. *Calls upon* States to continue to take adequate steps, including through national legislation, in accordance with international human rights law, aimed at the prevention of hate speech and incitement to violence against persons in vulnerable situations;

14. *Expresses deep concern* about attempts at commercial advertising aimed at exploiting the sufferings of the victims of war crimes and crimes against humanity committed during the Second World War by the Nazi regime;

15. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and by those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and may negatively influence children and young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter, including those related to the purposes and principles of the Organization;

16. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and in this regard calls for increased vigilance;

17. *Expresses concern* that the human rights and democratic challenges posed by extremist political parties, movements and groups are universal and no country is immune to them;

18. *Emphasizes* the need to take the measures necessary to put an end to the practices described above, and calls upon States and all other stakeholders to take more effective measures in accordance with international human rights law to prevent and combat those phenomena and extremist movements, which pose a real threat to democratic values, and to increase their vigilance and strengthen their efforts to recognize and effectively address those challenges;

[14] A/71/325, para. 80.

19. *Underlines* the importance of data and statistics on racist and xenophobic crimes for identifying the types of offences committed, the profiles of victims and of perpetrators and whether they are affiliated with extremist movements or groups, thus enhancing better understanding of the phenomenon and identifying effective measures to address such racist and xenophobic crimes;

20. *Encourages* States to adopt further measures to provide training for the police and other law enforcement bodies on the ideologies of extremist political parties, movements and groups whose advocacy constitutes incitement to racist and xenophobic violence, to strengthen their capacity to address racist and xenophobic crimes, to fulfil their responsibility for bringing to justice the perpetrators of such crimes and to combat impunity;

21. *Expresses deep concern* about the increased number of seats occupied by representatives of extremist parties of a racist or xenophobic character in a number of national and local parliaments, and emphasizes in this regard the need for all democratic political parties to base their programmes and activities on respect for human rights and freedoms, democracy, the rule of law and good governance and to condemn all messages disseminating ideas that are based on racial superiority or hatred and that have the objective of fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

22. *Notes with appreciation* in this regard the call of the Special Rapporteur on political leaders and parties to strongly condemn incitement to racial discrimination or xenophobia, to promote tolerance and respect and to refrain from forming coalitions with extremist parties of a racist or xenophobic character;[15]

23. *Expresses concern* that ethnic profiling and police violence against persons in vulnerable situations discourage victims from seeking redress owing to distrust of the legal system, and in this regard encourages States to improve diversity within law enforcement agencies and to impose appropriate sanctions against those within the public service found guilty of racially motivated violence or of using hate speech;

24. *Expresses deep concern* about the increase in reported cases of racist and xenophobic manifestations during sports events, including those committed by extremist groups, including neo-Nazis and skinhead groups, and calls upon States, sports federations and other relevant stakeholders to strengthen measures to prevent such incidents, while also welcoming the steps that many States, sports federations and clubs have taken to eliminate racism at sporting events, including through sport practised without discrimination of any kind and in the Olympic spirit, which require human understanding, tolerance, fair play and solidarity;

25. *Recalls* the recommendation of the Special Rapporteur to introduce into national criminal law a provision according to which committing an offence with racist or xenophobic motivations or aims constitutes an aggravating circumstance, allowing for enhanced penalties,[16] and encourages those States whose legislation does not contain such provisions to consider that recommendation;

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[15] Ibid., para. 76.

[16] A/69/334, para. 81.

26. *Notes* measures taken by States to prevent discrimination against, in particular, persons belonging to national or ethnic, religious and linguistic minorities, people of African descent, Roma, migrants, refugees, asylum seekers, and to ensure their integration into society, and urges States to ensure the full and effective implementation of legal, policy and institutional measures protecting these individuals and groups, and recommends that States effectively guarantee to these individuals and groups, without discrimination of any kind, their human rights, including the right to safety and security, access to justice, adequate reparation and appropriate information about their rights, as well as the prosecution and adequate sanctioning of those responsible for racist and xenophobic crimes against them;

27. *Underlines* that the roots of extremism are multifaceted and must be addressed through adequate measures such as education, awareness-raising and the promotion of dialogue, and in this regard recommends the increase of measures to raise awareness among young people of the dangers of the ideologies and activities of extremist political parties, movements and groups;

28. *Reaffirms*, in this regard, the particular importance of all forms of education, including human rights education, as a complement to legislative measures, and calls upon States to continue to invest in education, in both conventional and non-conventional curricula, inter alia, in order to transform attitudes and counteract ideas of racial hierarchies and superiority, and counter their negative influence, and to promote the values of non-discrimination, equality and respect for all, as outlined by the Special Rapporteur;

29. *Emphasizes* the recommendation of the Special Rapporteur presented at the sixty-fourth session of the General Assembly, in which he emphasized the importance of history classes in teaching the dramatic events and human suffering which arose out of the adoption of ideologies such as Nazism and Fascism;[17]

30. *Stresses* the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives, which require continued State support;

31. *Underlines* the positive role that relevant United Nations entities and programmes, in particular the United Nations Educational, Scientific and Cultural Organization, can play in the aforementioned areas;

32. *Reaffirms* article 4 of the Convention, according to which States parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights[1] and the rights expressly set forth in article 5 of the Convention, inter alia:

[17] A/64/295, para. 104.

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination;

33. *Also reaffirms* that, as underlined in paragraph 13 of the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, that all dissemination of ideas based on racial superiority or hatred, or incitement to racial discrimination, as well as all acts of violence or incitement to such acts, shall be declared offences punishable by law, in accordance with the international obligations of States, and that these prohibitions are consistent with freedom of opinion and expression;

34. *Recognizes* the positive role that the exercise of the right to freedom of opinion and expression, as well as full respect for the freedom to seek, receive and impart information, including through the Internet, can play in combating racism, racial discrimination, xenophobia and related intolerance;

35. *Expresses concern* about the increased use of the Internet to promote and disseminate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and in this regard calls upon States parties to the International Covenant on Civil and Political Rights to counter the dissemination of the above-mentioned ideas while respecting their obligations under articles 19 and 20 of the Covenant, which guarantee the right to freedom of expression and outline the grounds on which the exercise of this right can be legitimately restricted;

36. *Recognizes* the need to promote the use of new information and communications technologies, including the Internet, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance;

37. *Also recognizes* the positive role that the media can play in combating racism, racial discrimination, xenophobia and related intolerance, promoting a culture of tolerance and representing the diversity of a multicultural society;

38. *Encourages* States, civil society and other relevant stakeholders to use all opportunities, including those provided by the Internet and social media, to counter, in accordance with international human rights law, the dissemination of ideas based on racial superiority or hatred and to promote the values of equality, non-discrimination, diversity and democracy;

39. *Encourages* those States that have made reservations to article 4 of the Convention to give serious consideration to withdrawing such reservations as a matter of priority, as stressed by the Special Rapporteur;

40. *Notes* the importance of strengthening cooperation at the regional and international levels with the aim of countering all manifestations of racism, racial discrimination, xenophobia and related intolerance, in particular regarding issues raised in the present resolution;

41. *Stresses* the importance of cooperating closely with civil society and international and regional human rights mechanisms in order to counter effectively all manifestations of racism, racial discrimination, xenophobia and related intolerance, as well as extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and other similar extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

42. *Encourages* States parties to the Convention to ensure that their legislation incorporates the provisions of the Convention, including those of article 4;

43. *Encourages* States to adopt the legislation necessary to combat racism while ensuring that the definition of racial discrimination set out therein complies with article 1 of the Convention;

44. *Recalls* that any legislative or constitutional measures adopted with a view to countering extremist political parties, movements and groups, including neo-Nazis and skinhead groups and similar extremist ideological movements, should be in conformity with the relevant international human rights norms, in particular articles 4 and 5 of the Convention and articles 19 to 22 of the Covenant;

45. *Also recalls* the request of the Commission on Human Rights, in its resolution 2005/5,[5] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

46. *Encourages* States to consider including in their reports for the universal periodic review and their reports to relevant treaty bodies information on the steps taken to combat racism, racial discrimination, xenophobia and related intolerance, including with the aim of implementing the provisions of the present resolution;

47. *Requests* the Special Rapporteur to prepare, for submission to the General Assembly at its seventy-second session and to the Human Rights Council at its thirty-fifth session, reports on the implementation of the present resolution, in particular regarding paragraphs 4, 6, 7, 9, 14, 15, 29 and 30 above, based on the views collected in accordance with the request of the Commission, as recalled in paragraph 45 above;

48. *Expresses its appreciation* to those Governments and non-governmental organizations that have provided information to the Special Rapporteur in the course of the preparation of his reports to the General Assembly;

49. *Stresses* that such information is important for the sharing of experiences and best practices in the fight against extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and other extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

50. *Encourages* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the tasks outlined in paragraph 47 above;

51. *Encourages* Governments, non-governmental organizations and relevant actors to disseminate, as widely as possible, information regarding the contents of and the principles outlined in the present resolution, including through the media, but not limited to it;

52. *Decides* to remain seized of the issue.

Draft resolution II
International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its resolution 69/161 of 18 December 2014,

Recalling also its resolution 68/268 of 9 April 2014 on strengthening and enhancing the effective functioning of the human rights treaty body system,

1. *Takes note* of the report of the Secretary-General[1] on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;[2]

2. *Also takes note* of the reports of the Committee on the Elimination of Racial Discrimination on its eighty-fifth and eighty-sixth[3] and its eighty-seventh, eighty-eighth and eighty-ninth[4] sessions;

3. *Recalls* the fiftieth anniversary of the adoption of the Convention, and reiterates its call for the universal ratification and effective implementation of the Convention by all States parties to eliminate all forms of racial discrimination;

4. *Invites* the Chair of the Committee to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its seventy-second and seventy-third sessions under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance";

5. *Decides* to consider, at its seventy-third session, under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance", the reports of the Committee on its ninetieth and ninety-first, its ninety-second, ninety-third and ninety-fourth and its ninety-fifth sessions;

6. *Requests* the Secretary-General to keep the General Assembly informed of the status of the International Convention on the Elimination of All Forms of Racial Discrimination, including with regard to all reservations and declarations made, through the United Nations websites.

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[1] A/71/327.

[2] United Nations, *Treaty Series*, vol. 660, No. 9464.

[3] *Official Records of the General Assembly, Seventieth Session, Supplement No. 18* (A/70/18).

[4] Ibid., *Seventy-first Session, Supplement No. 18* (A/71/18).

Draft resolution III
A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling all its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action adopted by the World Conference,[1] and in this regard underlining the imperative need for their full and effective implementation,

Acknowledging the significance of 2016 as the fifteenth anniversary of the adoption of the Durban Declaration and Programme of Action, and calling upon States to honour the memory of victims of the historical injustices of slavery, the slave trade, including the transatlantic slave trade, colonialism and apartheid,

Stressing that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance has the same status as the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields, and that the Durban Declaration and Programme of Action remains a solid basis and the only instructive outcome of the World Conference, which prescribes comprehensive measures for combating all the scourges of racism and adequate remedies for victims,

Recalling the three Decades for Action to Combat Racism and Racial Discrimination previously declared by the General Assembly, and regretting that the Programmes of Action for those Decades were not fully implemented and that their objectives have yet to be attained,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Underlining the intensity, magnitude and organized nature of slavery and the slave trade, including the transatlantic slave trade, and the associated historical injustices, as well as the untold suffering caused by colonialism and apartheid, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples continue to be victims, and acknowledging that the ongoing effects must be remedied,

Acknowledging the efforts and initiatives undertaken by States to prohibit racial discrimination and racial segregation and to engender the full enjoyment of economic, social and cultural rights, as well as civil and political rights,

[1] See A/CONF.189/12 and Corr.1, chap. I.

Emphasizing that, despite efforts in this regard, millions of human beings continue to be victims of racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms and manifestations, some of which manifest in violent forms,

Welcoming the efforts made by civil society in support of the follow-up mechanisms in the implementation of the Durban Declaration and Programme of Action,

Recalling the appointment of the five independent eminent experts by the Secretary-General on 16 June 2003, pursuant to General Assembly resolution 56/266 of 27 March 2002, with the mandate to follow up on the implementation of the provisions of the Durban Declaration and Programme of Action and to make appropriate recommendations thereon, and in this regard taking note with appreciation of the role played, and noting the role still to be played, by those independent eminent experts in mobilizing global political will for concrete action for the total elimination of all the scourges of racism, racial discrimination, xenophobia and related intolerance,

Underlining the primacy of the political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance for the successful implementation of the Durban Declaration and Programme of Action,

Recalling its resolution 2142 (XXI) of 26 October 1966, in which it proclaimed 21 March as the International Day for the Elimination of Racial Discrimination,

Recalling also its resolution 62/122 of 17 December 2007, in which it designated 25 March as the annual International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade,

Welcoming, in the above context, the unveiling of the permanent memorial for the victims of slavery and the slave trade, including the transatlantic slave trade, *The Ark of Return*, on 25 March 2015,

Welcoming also the call upon all the former colonial Powers for reparations, consistent with paragraphs 157 and 158 of the Durban Programme of Action, to redress the historical injustices of slavery and the slave trade, including the transatlantic slave trade,

Recalling the suffering of the victims of racism, racial discrimination, xenophobia and related intolerance, and the need to honour their memory,

Recognizing and affirming that the global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and contemporary forms and manifestations is a matter of priority for the international community,

I
International Convention on the Elimination of All Forms of Racial Discrimination

1. *Reaffirms* the paramount importance of universal adherence to and the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[2] adopted by the General Assembly in its resolution 2106 A (XX) of 21 December 1965, in addressing the scourges of racism and racial discrimination;

2. *Calls upon* States that have not done so to consider acceding to and/or ratifying the Convention, and States parties to consider making the declaration under article 14 of the Convention, as well as to consider withdrawing reservations to article 4 of the Convention, as a matter of urgency, in view of the fact that the continued maintenance of reservations negates the essence of the instrument and defeats its objects and purposes;

3. *Underlines*, in the above context, that the provisions of the Convention do not respond effectively to contemporary manifestations of racial discrimination, in particular in relation to xenophobia and related intolerance, which is recognized as the rationale behind the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001;

4. *Takes note* of the acknowledgement by the Human Rights Council and its subsidiary structures of the existence of both procedural and substantive gaps in the Convention, which must be filled as a matter of urgency, necessity and priority;

5. *Expresses its concern* at the lack of progress in the elaboration of complementary standards to the Convention to fill existing gaps through the development of new normative standards aimed at combating all forms of contemporary and resurgent scourges of racism, and in this regard calls upon the Chairperson-Rapporteur of the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of all Forms of Racial Discrimination to ensure the commencement of the negotiations on the draft additional protocol to the Convention criminalizing acts of a racist and xenophobic nature;

6. *Requests* the Chairperson-Rapporteur of the Ad Hoc Committee on the Elaboration of Complementary Standards to present a progress report to the General Assembly at its seventy-second session;

II
International Decade for People of African Descent

7. *Welcomes* the proclamation of the International Decade for People of African Descent, as contained in its resolution 68/237 of 23 December 2013, and the celebratory launch of the Decade on 10 December 2014;

8. *Recalls* its resolution 69/16 of 18 November 2014 on the programme of activities for the implementation of the International Decade for People of African Descent, in which it recommended the establishment of a forum on people of

[2] United Nations, *Treaty Series*, vol. 660, No. 9464.

African descent and giving consideration to the elaboration of a draft United Nations declaration on the promotion and full respect of human rights of people of African descent;

9. *Takes note* of the reports of the Secretary-General on the programme of activities for the implementation of the International Decade for People of African Descent[3] and on a global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;[4]

10. *Also takes note* of the report of the Working Group of Experts on People of African Descent,[5] invites the Human Rights Council, through the Chair of the Working Group, to continue to submit a report on the work of the Working Group to the General Assembly, and in this regard invites the Chair of the Working Group to engage in an interactive dialogue with the Assembly under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance" at its seventy-second session;

III
Office of the United Nations High Commissioner for Human Rights

11. *Welcomes* the positive response by the Office of the United Nations High Commissioner for Human Rights to the requests made by the Human Rights Council, in its resolution 6/22 of 28 September 2007,[6] and by the General Assembly, in its resolution 68/151 of 18 December 2013, to realign the work and the name of the former Anti-Discrimination Unit in the Office of the High Commissioner, and also welcomes its renaming as the Anti-Racial Discrimination Section and the realignment of its operational activities to focus exclusively on racism, racial discrimination, xenophobia and related intolerance, as defined in paragraphs 1 and 2 of the Durban Declaration;[1]

12. *Also welcomes* the inclusion of the historic and landmark World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001 among the 20 major achievements of the Office of the High Commissioner since the adoption of the Vienna Declaration and Programme of Action in 1993;[7]

13. *Requests* the Human Rights Council to continue to pay attention to the situation regarding racial equality in the world and in this regard to consider appropriate ways and means of assessing it, identifying possible gaps and overlaps;

14. *Requests* the Secretary-General and the Office of the High Commissioner to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of

[3] A/71/290.
[4] A/71/399.
[5] A/71/297.
[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.
[7] A/CONF.157/24 (Part I), chap. III.

African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards, and in this regard to ensure the participation of experts in each session of those follow-up mechanisms in order to provide advice on the specific issues under discussion and assist the mechanisms in their deliberations and the adoption of action-oriented recommendations in relation to the implementation of the Declaration and Programme of Action;

IV
Group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action

15. *Reiterates* its requests to the Secretary-General, pursuant to its resolution 68/151, to revitalize and reactivate the operational activities of the group of independent eminent experts and in this regard to ensure the full functionality of the group by filling the existing vacancies, at the latest by the end of March 2017, in accordance with its resolution 56/266;

16. *Also reiterates* its invitation to the Human Rights Council, pursuant to paragraph 16 of General Assembly resolution 68/151, to ensure the visibility, effective participation and optimal utilization of the vast knowledge and experience of the group of independent eminent experts within its subsidiary structures, charged with the mandate of and responsibility for the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action, and in this regard requests the Council to submit a progress report to the Assembly at its seventy-second session;

V
Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination

17. *Recalls* the establishment by the Secretary-General, in 1973, of the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination as a funding mechanism that has been utilized for the implementation of the activities of the three Decades for Action to Combat Racism and Racial Discrimination declared by the General Assembly, and in this regard appreciates the fact that the Trust Fund has also been utilized for the subsequent programmes and operational activities transcending the three Decades;

18. *Requests* the Secretary-General to reactivate and revitalize the Trust Fund, prior to the thirty-fifth session of the Human Rights Council, for the purpose of ensuring the successful implementation of the activities of the International Decade for People of African Descent and beyond;

19. *Also requests* the Secretary-General to include, in his report on the implementation of the present resolution to the General Assembly at its seventy-second session, a section outlining the progress in the implementation of paragraph 18 of its resolution 68/151 regarding the revitalization of the Trust Fund for the purpose of ensuring the successful implementation of the activities of the International Decade for People of African Descent and enhancing the effectiveness of the comprehensive follow-up to the World Conference against Racism, Racial

Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action;

20. *Strongly appeals* to all Governments, intergovernmental and non-governmental organizations and individuals, as well as other donors in a position to do so, to contribute generously to the Trust Fund, and to that end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

VI
Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

21. *Takes note* of the report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[8] and encourages the Special Rapporteur, within his mandate, to continue to focus on the issues of racism, racial discrimination, xenophobia and related intolerance and incitement to hatred, which impede peaceful coexistence and harmony within societies, and to submit reports in this regard to the Human Rights Council and the General Assembly;

22. *Reiterates* its previous invitation to the Special Rapporteur to consider examining national models of mechanisms that measure racial equality and their added value in the eradication of racial discrimination and to report on such challenges, successes and best practices in his next report;

VII
Follow-up and implementation activities

23. *Invites* the Human Rights Council to consider, at its thirty-fourth session, the question of developing a multi-year programme of activities to provide for the renewed and strengthened outreach activities needed to inform and mobilize the global public in support of the Durban Declaration and Programme of Action and to strengthen awareness of the contribution that they have made in the struggle against racism, racial discrimination, xenophobia and related intolerance;

24. *Welcomes* the commemorative plenary meeting of the General Assembly held on 18 March 2016 to mark the International Day for the Elimination of Racial Discrimination, on the theme "Challenges and achievements of the Durban Declaration and Programme of Action: 15 years after";

25. *Requests* the Secretary-General to submit to the General Assembly at its seventy-second session a report on the implementation of the present resolution;

26. *Deplores* the ongoing and resurgent scourges of racism, racial discrimination, xenophobia and related intolerance in many regions of the world, particularly targeting migrants and refugees, as well as people of African descent, expresses concern that political leaders and parties have supported such an environment, and, in this context, expresses its support for migrants and refugees in the context of the severe discrimination that they may face;

[8] A/71/325.

27. *Requests* the President of the General Assembly and the President of the Human Rights Council to continue to convene annual commemorative meetings of the Assembly and the Council during the commemoration of the International Day for the Elimination of Racial Discrimination, with the appropriate focus and themes, and to hold a debate on racial profiling and incitement to hatred, including in the context of migration, with the participation of the Secretary-General and the United Nations High Commissioner for Human Rights, and in this context encourages the participation of eminent personalities active in the struggle against racial discrimination, Member States and civil society organizations in accordance with the rules of procedure of the Assembly and the Council, respectively;

28. *Decides* to remain seized of this priority matter at its seventy-second session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

25. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with the elimination of racism, racial discrimination, xenophobia and related intolerance

The General Assembly takes note of the following documents submitted under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance":

(a) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;[1]

(b) Note by the Secretariat on the latest developments with regard to the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action.[2]

[1] A/71/301.
[2] A/71/288.

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Right of peoples to self-determination

Report of the Third Committee

Rapporteur: Mrs. Cécile **Mballa Eyenga** (Cameroon)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-first session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item jointly with item 66, entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance", at its 40th and 41st meetings, on 1 and 2 November 2016, and considered proposals and took action on item 67 at its 47th, 48th, 52nd, 53rd and 54th meetings, on 10, 15, 18 and 21 November. An account of the Committee's discussion is contained in the relevant summary records.[1]

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the right of peoples to self-determination (A/71/326);

(b) Note by the Secretary-General transmitting the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/71/318).

4. At its 39th meeting, on 1 November, the Committee heard an introductory statement by the Assistant Secretary-General for Human Rights, who responded to

[1] A/C.3/71/SR.40, A/C.3/71/SR.41, A/C.3/71/SR.47, A/C.3/71/SR.48, A/C.3/71/SR.52, A/C.3/71/SR.53 and A/C.3/71/SR.54.

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questions posed and comments made by the representatives of South Africa and Cameroon.

5. At the same meeting, the Committee heard an introductory statement by the Chair of the Working Group of Experts on People of African Descent, who engaged in an interactive dialogue with the representatives of the United States of America, South Africa, the Islamic Republic of Iran, Morocco and Mexico and with the observer for the European Union.

6. Also at the same meeting, the Committee heard an introductory statement by a member of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, speaking on behalf of the Chair of the Working Group, who engaged in an interactive dialogue with the representatives of the Islamic Republic of Iran, Iraq and Chile and with the observer for the European Union.

7. Also at the 39th meeting, the Committee heard an introductory statement by the Chair of the Committee on the Elimination of Racial Discrimination, who engaged in an interactive dialogue with the representatives of Morocco, Belgium (also on behalf of Slovenia), Mexico, the United Kingdom of Great Britain and Northern Ireland, Denmark, Ireland, Spain, the Russian Federation and China and with the observer for the European Union.

8. At its 40th meeting, on 1 November, the Committee heard an introductory statement by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who engaged in an interactive dialogue with the representatives of Mexico, South Africa, Indonesia, the United Kingdom, Morocco, Switzerland, the Russian Federation and Denmark and with the observer for the European Union.

II. Consideration of proposals

A. Draft resolution A/C.3/71/L.42

9. At its 52nd meeting, on 18 November, the Committee had before it a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/71/L.42), submitted by Algeria, Belarus, Bolivia (Plurinational State of), China, Cuba, the Democratic People's Republic of Korea, El Salvador, Eritrea, India, Myanmar, Namibia, Nicaragua, the Sudan, the Syrian Arab Republic and Venezuela (Bolivarian Republic of). Subsequently, Angola, Belize, Botswana, Burundi, the Central African Republic, Chile, the Comoros, the Dominican Republic, Ecuador, Egypt, Ghana, the Lao People's Democratic Republic, Libya, Madagascar, Malaysia, Nigeria, Peru, Saint Vincent and the Grenadines, Sri Lanka, Uganda, Uruguay and Zimbabwe joined in sponsoring the draft resolution.

10. At the same meeting, the representative of Cuba made a statement.

11. Also at the same meeting, the Committee adopted draft resolution A/C.3/71/L.42, by a recorded vote of 117 to 50, with 6 abstentions (see para. 22, draft resolution I). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Liberia, Mexico, Norway,[2] Palau, Switzerland, Tonga.

12. After the vote, statements were made by the representatives of Argentina, Slovakia (on behalf of the European Union) and Iraq.

B. Draft resolution A/C.3/71/L.49

13. At the 48th meeting, on 15 November, the representative of Pakistan, on behalf of Algeria, Armenia, Azerbaijan, Bahrain, Belarus, Bolivia (Plurinational State of), China, El Salvador, Eritrea, Guinea, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Liberia, Malaysia, Namibia, Oman, Pakistan, the Russian Federation, Saudi Arabia, the Sudan, Tajikistan, Thailand, the United Arab Emirates, Viet Nam and Zimbabwe, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/71/L.49).

[2] The delegation of Norway subsequently indicated that it had intended to vote against the draft resolution.

Subsequently, Angola, Antigua and Barbuda, Belize, Benin, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, the Comoros, Ecuador, Egypt, Ghana, Guyana, Honduras, Jamaica, Libya, Madagascar, Maldives, Nicaragua, Palau, Paraguay, Qatar, Senegal, Seychelles, Singapore, Somalia, South Africa, Swaziland, Tunisia, Uganda, Venezuela (Bolivarian Republic of), Yemen and Zambia joined in sponsoring the draft resolution.

14. At the 53rd meeting, on 21 November, Albania, the Congo, the Democratic Republic of the Congo, the Gambia, Kyrgyzstan, Lesotho, Nigeria, Rwanda, Sierra Leone, the Syrian Arab Republic and Togo joined in sponsoring the draft resolution.

15. At the same meeting, statements were made by the representatives of South Africa and the Democratic Republic of the Congo.

16. Also at the same meeting, the Committee adopted draft resolution A/C.3/71/L.49 (see para. 22, draft resolution II).

17. After the adoption, statements were made by the representatives of Spain, the United States, Argentina and Papua New Guinea.

C. Draft resolution A/C.3/71/L.50

18. At the 47th meeting, on 10 November, the representative of Egypt, on behalf of Algeria, Armenia, Belarus, Benin, Bolivia (Plurinational State of), Bulgaria, China, the Democratic People's Republic of Korea, Egypt, El Salvador, Eritrea, the Gambia, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Mauritania, Morocco, Namibia, Nicaragua, Oman, Portugal, Saudi Arabia, Senegal, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Uzbekistan, Viet Nam and Yemen, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/71/L.50). Subsequently, Angola, Antigua and Barbuda, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Bosnia and Herzegovina, the Comoros, the Congo, Croatia, Cyprus, Czechia, Denmark, Djibouti, Estonia, Finland, Germany, Greece, Guinea-Bissau, Guyana, Hungary, India, Italy, Kazakhstan, the Lao People's Democratic Republic, Latvia, Libya, Liechtenstein, Lithuania, Madagascar, Malaysia, Malta, the Netherlands, New Zealand, Norway, Pakistan, Poland, Qatar, the Republic of Moldova, Romania, Saint Vincent and the Grenadines, Slovakia, Slovenia, Sri Lanka, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Uganda, the United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of) and Zimbabwe joined in sponsoring the draft resolution.

19. At the 54th meeting, on 21 November, Afghanistan, Albania, Andorra, Belize, Brazil, Brunei Darussalam, Burkina Faso, Burundi, the Central African Republic, Chad, Chile, Costa Rica, Cuba, Ecuador, Ethiopia, France, Ghana, Guinea, Iceland, Ireland, Jamaica, Kenya, Lesotho, Liberia, Luxembourg, Maldives, Mali, Mauritius, Monaco, Montenegro, Myanmar, the Niger, Nigeria, Peru, the Russian Federation, San Marino, Serbia, Seychelles, Sierra Leone, Somalia, South Africa, Spain, Sri Lanka, Suriname, Switzerland, Turkey, Ukraine, the United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of) and the State of Palestine joined in sponsoring the draft resolution.

20. At the same meeting, the Committee adopted draft resolution A/C.3/71/L.50, by a recorded vote of 170 to 7, with 5 abstentions (see para. 22, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Cameroon, Côte d'Ivoire, Honduras, Tonga, Vanuatu.

21. Before the vote, a statement was made by the representative of Israel; after the vote, statements were made by the representative of Argentina and the observer for the State of Palestine.

III. Recommendations of the Third Committee

22. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 70/142 of 17 December 2015, and Human Rights Council resolutions 15/12 of 30 September 2010,[1] 15/26 of 1 October 2010,[2] 18/4 of 29 September 2011,[3] 21/8 of 27 September 2012,[4] 24/13 of 26 September 2013,[5] 27/10 of 25 September 2014,[6] 30/6 of 1 October 2015[7] and 33/4 of 29 September 2016,[8] as well as all resolutions adopted by the Commission on Human Rights in this regard,

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[9] as well as by the African Union,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development and that every State has the duty to respect this right in accordance with the provisions of the Charter,

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[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.

[2] Ibid., chap. I.

[3] Ibid., *Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and Corr.1), chap. II.

[4] Ibid., *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.

[5] Ibid., *Sixty-eighth Session, Supplement No. 53A* (A/68/53/Add.1), chap. III.

[6] Ibid., *Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1 and Corr.1 and 2), chap. IV, sect. A.

[7] Ibid., *Seventieth Session, Supplement No. 53A* (A/70/53/Add.1), chap. III.

[8] Ibid., *Seventieth Session, Supplement No. 53A* (A/71/53/Add.1), chap. III.

[9] United Nations, *Treaty Series*, vol. 1490, No. 25573.

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[10]

Acknowledging with appreciation the work and contributions of the Working Group established by the Human Rights Council with the mandate of considering the possibility of elaborating an international regulatory framework, including the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies,

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries in various parts of the world, in particular in areas of conflict,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policies and economies of affected countries resulting from international criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in some developing countries in various parts of the world, including in areas of armed conflict, and the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note with appreciation* of the latest report of the Working Group of the Human Rights Council on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;[11]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing, protection and training are causes for grave concern to all States and that they violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries on the global market;

4. *Urges*, once again, all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control are not used for, and that their nationals do not take part in, the recruitment, assembly, financing, training, protection or transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in accordance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies

[10] Resolution 2625 (XXV), annex.

[11] A/71/318.

offering international military consultancy and security services, and to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import military assistance or consultancy and security services provided by private companies to establish national regulatory mechanisms for registering and licensing those companies in order to ensure that the imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Emphasizes its utmost concern* about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

8. *Calls upon* all States that have not yet done so to consider taking the action necessary to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[12]

9. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group on the use of mercenaries and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group on the use of mercenaries of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with national law and applicable bilateral or international treaties;

12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

14. *Recalls* the holding of the fourth session of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, expresses satisfaction at the participation of experts, including the members of the Working Group on the use of mercenaries, as resource persons at the above-mentioned session, and requests

[12] United Nations, *Treaty Series*, vol. 2163, No. 37789.

the Working Group and other experts to continue their participation during the fifth session of the open-ended intergovernmental working group;

15. *Requests* the Working Group on the use of mercenaries to continue the work already done by the Special Rapporteurs on the use of mercenaries of the Commission on Human Rights with respect to the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session;[13]

16. *Also requests* the Working Group on the use of mercenaries to continue to study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination;

17. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

18. *Recommends* that all Member States, including those confronted with the phenomenon of private military and security companies, as contracting States, States of operations, home States or States whose nationals are employed to work for a private military and security company, contribute to the work of the open-ended intergovernmental working group, taking into account the initial work done by the Working Group on the use of mercenaries;

19. *Urges* all States to cooperate fully with the Working Group on the use of mercenaries in the fulfilment of its mandate;

20. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Working Group on the use of mercenaries with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

21. *Requests* the Working Group on the use of mercenaries to consult States and intergovernmental and non-governmental organizations on the implementation of the present resolution and to report, with specific recommendations, to the General Assembly, at its seventy-second session, its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

22. *Decides* to consider the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination at its seventy-second session under the item entitled "Right of peoples to self-determination".

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[13] See E/CN.4/2004/15, para. 47.

Draft resolution II
Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been or are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation adopted by the Commission on Human Rights at its sixty-first[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 70/143 of 17 December 2015,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right

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[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[3] A/71/326.

of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed in the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and with honour;

5. *Requests* the Human Rights Council to continue to give special attention to violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its seventy-second session under the item entitled "Right of peoples to self-determination".

Draft resolution III
The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967 and a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides, based on the relevant resolutions of the United Nations, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative[10] and the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[11]

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[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.
[5] Resolution 50/6.
[6] Resolution 55/2.
[7] See A/ES-10/273 and Corr.1.
[8] Ibid., advisory opinion, para. 88.
[9] Ibid., para. 122.
[10] A/56/1026-S/2002/932, annex II, resolution 14/221.
[11] S/2003/529, annex.

Stressing also the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard its resolution 58/292 of 6 May 2004,

Recalling its resolution 70/141 of 17 December 2015,

Recalling also its resolution 67/19 of 29 November 2012,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

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Agenda item 68

Promotion and protection of human rights

Report of the Third Committee*

Rapporteur: Mrs. Cécile **Mballa Eyenga** (Cameroon)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-first session the item entitled:

"Promotion and protection of human rights:

"(a) Implementation of human rights instruments;

"(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;

"(c) Human rights situations and reports of special rapporteurs and representatives;

"(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action"

and to allocate it to the Third Committee.

2. An account of the Third Committee's consideration of the item is given in the addenda to the present report.

3. For its consideration of the item, the Committee had before it the following documents:

* The report of the Committee on this item is being issued in five parts, under the symbols A/71/484, A/71/484/Add.1, A/71/484/Add.2, A/71/484/Add.3 and A/71/484/Add.4.

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Item 68
Promotion and protection of human rights

Letter dated 14 October 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Uzbekistan to the United Nations addressed to the Secretary-General (A/C.3/71/4)

Letter dated 14 November 2016 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General (A/C.3/71/6)

Letter dated 22 November 2016 from the Permanent Representatives of Chile and Lithuania addressed to the Secretary-General (A/C.3/71/7)

Item 68 (a)
Implementation of human rights instruments

Report of the Committee against Torture on its fifty-fifth, fifty-sixth and fifty-seventh sessions (A/71/44)

Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its twenty-third and twenty-fourth sessions (A/71/48)

Report of the Secretary-General on the status of the human rights treaty body system (A/71/118)

Report of the Secretary-General on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/71/272)

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/71/289)

Note by the Secretariat on the report of the Secretary-General on the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/71/268)

Note by the Secretary-General transmitting the report of the Chairs of the human rights treaty bodies (A/71/270)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/71/298)

Note by the Secretary-General transmitting the report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/71/341)

Item 68 (b)
Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Committee on Enforced Disappearances on its ninth and tenth sessions (A/71/56)

Report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/71/271)

Report of the Secretary-General on the International Convention for the Protection of All Persons from Enforced Disappearance (A/71/278)

Report of the Secretary-General on the promotion and protection of human rights, including ways and means to promote the human rights of migrants (A/71/284)

Report of the Secretary-General on missing persons (A/71/299)

Report of the Secretary-General on the moratorium on the use of the death penalty (A/71/332)

Report of the Secretary-General towards the full realization of an inclusive and accessible United Nations for persons with disabilities (A/71/344 and A/71/344/Corr.1)

Report of the Secretary-General on combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief (A/71/369)

Report of the Secretary-General on human rights in the administration of justice (A/71/405)

Note by the Secretariat on the report of the Secretary-General on the right to development (A/71/319)

Note by the Secretary-General transmitting the report of the Special Rapporteur on minority issues (A/71/254)

Note by the Secretary-General transmitting the report of the Independent Expert on the enjoyment of human rights by persons with albinism (A/71/255)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on freedom of religion or belief (A/71/269)

Note by the Secretary-General on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights (A/71/273)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of internally displaced persons (A/71/279)

Note by the Secretary-General transmitting the report of the Independent Expert on human rights and international solidarity (A/71/280)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights defenders (A/71/281)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on the right to food (A/71/282)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of migrants (A/71/285)

Note by the Secretary-General transmitting the fifth report of the Independent Expert on the promotion of a democratic and equitable international order (A/71/286)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on the negative impact of unilateral coercive measures on the enjoyment of human rights (A/71/287)

Note by the Secretary-General transmitting the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (A/71/291)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the human right to safe drinking water and sanitation (A/71/302)

Note by the Secretary-General transmitting the report of the Special Rapporteur on trafficking in persons, especially women and children (A/71/303)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/71/304)

Note by the Secretary-General transmitting the report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/71/305)

Note by the Secretary-General transmitting the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (A/71/310)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the rights of persons with disabilities (A/71/314)

Note by the Secretary-General transmitting the report of the Special Rapporteur in the field of cultural rights (A/71/317)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the independence of judges and lawyers (A/71/348)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the right to education (A/71/358)

Note by the Secretary-General transmitting the report of the Special Rapporteur on extreme poverty and human rights (A/71/367)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the right to privacy (A/71/368)

Note by the Secretary-General transmitting the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/71/372)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/71/373)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/71/384)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/71/385)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/71/567)

Letter dated 19 October 2016 from the Permanent Representative of Myanmar to the Secretary-General (A/C.3/71/5)

Item 68 (c)
Human rights situations and reports of special rapporteurs and representatives

Report of the Secretary-General on the situation of human rights in Myanmar (A/71/308)

Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/71/374)

Report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea (A/71/439)

Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (A/71/402)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in Myanmar (A/71/361)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in Belarus (A/71/394)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (A/71/418)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/71/554)

Letter dated 14 September 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General (A/71/379-S/2016/788)

Letter dated 3 October 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General (A/71/540-S/2016/839)

Letter dated 19 October 2016 from the Permanent Representative of Myanmar to the Secretary-General (A/C.3/71/5)

Letter dated 21 November 2016 from the Permanent Representative of the Syrian Arab Republic addressed to the Secretary-General (A/C.3/71/8)

Item 68 (d)
Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Report of the United Nations High Commissioner for Human Rights (A/71/36)

II. Consideration of a draft decision proposed by the Chai

4. At its 56th meeting, on 22 November, on the proposal of the Chair, the Committee decided to recommend to the General Assembly that it take note of documents considered in connection with the promotion and protection of human rights (see para. 5).

III. Recommendation of the Third Committee

5. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with the question of the promotion and protection of human rights

The General Assembly takes note of the following documents submitted under the item entitled "Promotion and protection of human rights":

Under sub-item (a):

(a) Report of the Secretary-General on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;[1]

(b) Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture;[2]

(c) Note by the Secretariat on the report of the Secretary-General on the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[3]

(d) Note by the Secretary-General transmitting the report of the Chairs of the human rights treaty bodies;[4]

Under sub-item (b):

(a) Report of the Committee on Enforced Disappearances;[5]

(b) Report of the Secretary-General on the International Convention for the Protection of All Persons from Enforced Disappearance;[6]

(c) Report of the Secretary-General on the promotion and protection of human rights, including ways and means to promote the human rights of migrants;[7]

(d) Report of the Secretary-General on missing persons;[8]

(e) Report of the Secretary-General towards the full realization of an inclusive and accessible United Nations for persons with disabilities;[9]

(f) Note by the Secretariat on the report of the Secretary-General on the right to development;[10]

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[1] A/71/272.
[2] A/71/289.
[3] A/71/268.
[4] A/70/270.
[5] A/71/56.
[6] A/71/278.
[7] A/71/284.
[8] A/71/299.
[9] A/71/344 and A/71/344/Corr.1.
[10] A/71/319.

(g) Note by the Secretary-General transmitting the report of the Special Rapporteur on minority issues;[11]

(h) Note by the Secretary-General transmitting the report of the Independent Expert on the enjoyment of human rights by persons with albinism;[12]

(i) Note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of internally displaced persons;[13]

(j) Note by the Secretary-General transmitting the report of the Independent Expert on human rights and international solidarity;[14]

(k) Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights defenders;[15]

(l) Note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of migrants;[16]

(m) Note by the Secretary-General transmitting the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises;[17]

(n) Note by the Secretary-General transmitting the report of the Special Rapporteur on the human right to safe drinking water and sanitation;[18]

(o) Note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;[19]

(p) Note by the Secretary-General transmitting the report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;[20]

(q) Note by the Secretary-General transmitting the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context;[21]

(r) Note by the Secretary-General transmitting the report of the Special Rapporteur on the rights of persons with disabilities;[22]

(s) Note by the Secretary-General transmitting the report of the Special Rapporteur in the field of cultural rights;[23]

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[11] A/71/254.
[12] A/71/255.
[13] A/71/279.
[14] A/71/280.
[15] A/71/281.
[16] A/71/285.
[17] A/71/291.
[18] A/71/302.
[19] A/71/304.
[20] A/71/305.
[21] A/71/310.
[22] A/71/314.

(t) Note by the Secretary-General transmitting the report of the Special Rapporteur on the independence of judges and lawyers;[24]

(u) Note by the Secretary-General transmitting the report of the Special Rapporteur on the right to education;[25]

(v) Note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;[26]

(w) Note by the Secretary-General transmitting the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association;[27]

(x) Note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence;[28]

Under sub-item (c):

(a) Report of the Secretary-General on the situation of human rights in Myanmar;[29]

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in Myanmar;[30]

(c) Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in Belarus;[31]

(d) Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;[32]

Under sub-item (d):

Report of the United Nations High Commissioner for Human Rights.[33]

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[23] A/71/317.
[24] A/71/348.
[25] A/71/358.
[26] A/71/384.
[27] A/71/385.
[28] A/71/567.
[29] A/71/308.
[30] A/71/361.
[31] A/71/394.
[32] A/71/554.
[33] A/71/36.

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Promotion and protection of human rights: implementation of human rights instruments

Report of the Third Committee*

Rapporteur: Ms. Cécile **Mballa Eyenga** (Cameroon)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-first session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Implementation of human rights instruments" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the sub-item jointly with sub-item 68 (d), entitled "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action", at its 19th, 20th and 21st meetings, on 18 and 19 October 2016, and considered proposals and took action on the sub-item at its 56th meeting, on 22 November. An account of the Committee's discussion is contained in the relevant summary records.[1]

3. For the documents before the Committee under this sub-item, see document A/71/484.

4. At the 19th meeting, on 18 October, the Director of the Human Rights Treaties Division of the Office of the United Nations High Commissioner for Human Rights made an introductory statement and responded to the questions posed and the comments made by the representatives of Egypt, Ghana (on behalf of African States), Morocco and Belgium (also on behalf of Australia, Austria, Bulgaria, Canada, Chile, Costa Rica, Croatia, Denmark, Finland, Georgia, Greece, Iceland,

* The report of the Committee on this item is being issued in five parts, under the symbols A/71/484, A/71/484/Add.1, A/71/484/Add.2, A/71/484/Add.3 and A/71/484/Add.4.

[1] A/C.3/71/SR.19, A/C.3/71/SR.20, A/C.3/71/SR.21 and A/C.3/71/SR.56.

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Iraq, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, New Zealand, Norway, Panama, Paraguay, Poland, Slovakia, Slovenia, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Ukraine).

5. At the same meeting, the Chair of the Committee against Torture made an introductory statement and responded to the questions posed and the comments made by the representatives of Denmark, Iraq and the United Kingdom, as well as by the observer of the European Union.

6. Also at the same meeting, the Chair of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment made an introductory statement and responded to the questions posed and the comments made by the representatives of Switzerland, the United Kingdom, Czechia and Denmark, as well as by the observer of the European Union.

7. Also at the 19th meeting, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment made an introductory statement and responded to the questions posed and the comments made by the representatives of the United Kingdom, Argentina, the United States of America, Turkey, Liechtenstein, Indonesia, Denmark, Iran (Islamic Republic of), South Africa, Switzerland, Norway, Bahrain and Chile, as well as by the observers of the European Union and the State of Palestine.

8. At the same meeting, the Chair of the Human Rights Committee made an introductory statement and responded to the questions posed and the comments made by the representatives of Argentina, Liechtenstein and Poland, as well as by the observer of the European Union.

9. At the 20th meeting, on 18 October, the Chair of the Committee on Economic, Social and Cultural Rights made an introductory statement and responded to the questions posed and the comments made by the representatives of Poland, Portugal (also on behalf of Uruguay) and New Zealand, as well as by the observer of the European Union.

II. Consideration of draft resolution A/C.3/71/L.19/Rev.1

10. At its 56th meeting, on 22 November, the Committee had before it a draft resolution entitled "Human rights treaty body system" (A/C.3/71/L.19/Rev.1), which replaced draft resolution A/C.3/71/L.19, submitted by Australia, Austria, Canada, Costa Rica, Cyprus, Denmark, Finland, Iceland, Israel, Liechtenstein, Morocco, Netherlands, Norway, Sweden and the United Kingdom. Subsequently, Albania, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Croatia, Czechia, the Dominican Republic, El Salvador, Estonia, France, Georgia, Germany, Ghana, Guatemala, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, New Zealand, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Turkey and Ukraine joined in sponsoring the draft resolution.

11. At the same meeting, the representative of Iceland made a statement.

12. Also at the 56th meeting, the Committee adopted the draft resolution by a recorded vote of 164 to 0, with 2 abstentions (see para. 14). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cabo Verde, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Comoros, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Lao People's Democratic Republic,[2] Syrian Arab Republic.

13. After the adoption of the draft resolution, statements were made by the representatives of Austria and Iceland.

[2] The delegation of the Lao People's Democratic Republic subsequently indicated that it had intended to vote in favour of the draft resolution.

III. Recommendation of the Third Committee

14. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Human rights treaty body system

The General Assembly,

Recalling the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention on the Rights of Persons with Disabilities,[3] the International Convention for the Protection of All Persons from Enforced Disappearance,[4] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[5] the Convention on the Elimination of All Forms of Discrimination against Women,[6] the Convention on the Rights of the Child,[7] the International Convention on the Elimination of All Forms of Racial Discrimination,[8] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[9] and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[10]

Recalling also Economic and Social Council resolution 1985/17 of 28 May 1985,

Recalling further its resolution 68/268 of 9 April 2014 on strengthening and enhancing the effective functioning of the human rights treaty body system,

Recalling its resolutions 69/161 of 18 December 2014 and 70/131, 70/137, 70/144, 70/145, 70/146, 70/147 and 70/160 of 17 December 2015 as they relate to the human rights treaty body system,

Reaffirming that the full and effective implementation of international human rights instruments by States parties is of major importance to the efforts of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms, and that the effective functioning of the human rights treaty body system is indispensable for the full and effective implementation of such instruments,

Recognizing the important, valuable and unique role and contribution of each of the human rights treaty bodies in the promotion and protection of human rights and fundamental freedoms, including through their examination of the progress

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[1] See resolution 2200 A (XXI), annex.
[2] Ibid.
[3] United Nations, *Treaty Series*, vol. 2515, No. 44910.
[4] Resolution 61/177, annex.
[5] United Nations, *Treaty Series*, vol. 2220, No. 39481.
[6] Ibid., vol. 1249, No. 20378.
[7] Ibid., vol. 1577, No. 27531.
[8] Ibid., vol. 660, No. 9464.
[9] Ibid., vol. 1465, No. 24841.
[10] Ibid., vol. 2375, No. 24841.

made by States parties to the respective human rights treaties in fulfilling their relevant obligations and their provision of recommendations to States parties on the implementation of such treaties,

1. *Takes note* of the report of the Secretary-General on the status of the human rights treaty body system;[11]

2. *Welcomes* the annual reports of the human rights treaty bodies submitted to the General Assembly at its seventieth and seventy-first sessions and the Economic and Social Council at its 2015 and 2016 sessions;[12]

3. *Invites* the Chairs of the human rights treaty bodies to address and engage in an interactive dialogue with the General Assembly at its seventy-second and seventy-third sessions under the item relevant to the work of the treaty body;

4. *Encourages* all stakeholders to continue their efforts for the full implementation of resolution 68/268;

5. *Expresses appreciation* for the organization of discussions on matters related to the implementation of each human rights treaty at meetings of the States parties thereto, and requests the Secretary-General to continue to support such practices;

6. *Also expresses appreciation* for the opportunity to interact with the Chairs of the treaty bodies during their annual meetings, and requests the Secretary-General to continue to support such opportunities;

7. *Further expresses appreciation* for the advisory services, capacity-building and technical assistance provided by the Secretary-General to support States parties in building their capacity to implement their treaty obligations, and requests the Secretary-General to continue his efforts in this regard;

8. *Reiterates* the request made in paragraph 40 of resolution 68/268 for the Secretary-General to submit to the General Assembly at its seventy-third session a report on the status of the human rights treaty body system.

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[11] A/71/118.

[12] *Official Records of the General Assembly, Seventieth Session, Supplement No. 18* (A/70/18); ibid., *Supplement No. 38* (A/70/38); ibid., *Supplement No. 40* (A/70/40); ibid., *Supplement No. 44* (A/70/44); ibid., *Supplement No. 48* (A/70/48); ibid., *Supplement No. 55* (A/70/55); ibid., *Supplement No. 56* (A/70/56); A/70/425; *Official Records of the General Assembly, Seventy-first Session, Supplement No. 18* (A/71/18); ibid., *Supplement No. 38* (A/71/38); ibid., *Supplement No. 40* (A/71/40); ibid., *Supplement No. 44* (A/71/44); ibid., *Supplement No. 48* (A/71/48); ibid., *Supplement No. 56* (A/71/56); A/71/341; *Official Records of the Economic and Social Council, 2015, Supplement No. 22* (E/2015/22); and ibid., *2016, Supplement No. 22* (E/2016/22).